

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS INC.,

Debtor.

**ECF Case**

**14-CV-00535 (SAS)**

MOORE CAPITAL MANAGEMENT, LP on  
behalf of MOORE GLOBAL INVESTMENTS,  
L.P.,

Claimant,

-against-

JAMES W. GIDDENS, as Trustee for the SIPA  
Liquidation of Lehman Brothers Inc.,

Debtor.

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE, that pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, and upon the Statement of Material Facts Pursuant to Local Civil Rule 56.1, the Declarations of James Danza and Erik S. Groothuis and attached exhibits, and the accompanying memorandum of law, Claimant Moore Capital Management, LP, on behalf of Moore Global Investments, L.P. (“MGI”), hereby moves for an order: (1) overruling the determination of James W. Giddens, as Trustee (the “Trustee”) for the liquidation of Lehman Brothers Inc. (“LBI”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. § 78aaa *et seq.*, that MGI’s claims are not customer claims under SIPA; (2) directing that the Trustee pay to MGI its Net Claims Amounts (as defined in MGI’s memorandum of law) with post-petition interest, immediately; and (3) for such other relief as this Court deems necessary and proper. Claimant has made no previous request for the relief requested by this motion.

Pursuant to this Court’s order, papers in opposition to this motion are due on December 30, 2014.



Dated: New York, New York  
December 1, 2014

**SCHLAM STONE & DOLAN LLP**

By:       /s/ Erik S. Groothuis      

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